

## Prostitution and the good of sex: A reply to Sascha Settegast

### Abstract

In Sascha Settegast's recently published paper, "Prostitution and the Good of Sex" in *Social Theory and Practice*, he argues that prostitution is intrinsically harmful. In this paper, I object to his argument, making the following three responses to his account. 1) Bad sex is not "detrimental to the good life"; 2) bad sex is not necessarily unvirtuous; 3) sex work is work as well as sex, and so must be evaluated as work in addition to as sex.

**Key words:** prostitution; sex work; sex; sexuality; sexual pleasure

### Introduction

Many arguments have been levied against prostitution;<sup>1</sup> they tend to fall into one or both of two camps: (1) arguments against prostitution in its current form; (2) arguments against prostitution *per se*. Arguments of the latter type purport that prostitution could never be reformed in such a way that it would be a morally permissible practice. In this paper, I object to a recent argument of this latter type, put forward by Sascha Settegast in *Social Theory and Practice* in 2018. He argues that prostitution is intrinsically harmful "even when engaged in within an ideal regulatory framework" because it goes against the virtues of temperance, respect, and sincerity, and because it undermines the good of sex, which is sexual enjoyment characterised by a distinct kind of community. Therefore, on his account, sex for money is failed sex, and prostitution (no matter how it is reformed) is "detrimental to the good life by giving sex the wrong place in it and sex work is therefore not a profession the virtuous would consider an option" (Settegast 2018, 377-8). I argue that the approach Settegast has taken has significant issues with it and so he has not shown in his paper that sex work is intrinsically harmful or unvirtuous.

This paper proceeds in the following way. In Section 1, I summarise Settegast's paper, "Prostitution and the Good of Sex". In Section 2, I respond to Settegast, making the following three responses to his account: 1) bad sex is not "detrimental to the good life"; 2) bad sex is not necessarily unvirtuous; 3) sex work ought to be evaluated as work, as well as sex.

Thus, I agree that prostitutes and clients probably do not usually enjoy sex in the way that Settegast thinks they should, but this does not necessarily make them unvirtuous, or mean that the sex is something that will make their lives worse than they might otherwise have been. It also does not

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<sup>1</sup> I use the terms "prostitution" and "sex work" interchangeably throughout the paper. I use them both because, although "sex work" is my preferred term, having fewer negative connotations, "prostitution" is still more widely used and understood.

even necessarily entail that they do not enjoy the sex. The prostitute and the client might act unvirtuously, but they do not do so necessarily, due to the mere fact that they exchange sex for money. Likewise, prostitution might be detrimental to someone's life, and unfortunately it very often is, but this is probably not primarily because they are giving sex the wrong place in their lives, but because of other factors, such as that they have very few rights, and are doing work that is often dangerous and widely considered degrading.

I want to add a caveat before I continue. In what follows, I, like Settegast, will, for the most part, not focus on the social issues surrounding prostitution. I will therefore not discuss the problematic social conditions that lead many people to become prostitutes, and affect the way that prostitutes have to live and work, nor will I discuss the huge issues relating to the gendered nature of prostitution.<sup>2</sup> I appreciate that this means that some of what I say will jar with some people. However, as I am responding to Settegast, who is focusing on the intrinsic character of prostitution, I, too, will focus on the intrinsic character of prostitution, i.e. the act of paying for sex.

## Section 1: Settegast - "Prostitution and the Good of Sex"

Settegast wants to provide a teleological account of sex that is liberal about what kind of sex is morally permissible and allows for casual sex. This makes it quite different to other teleological accounts of sex, which tend to argue that sex should only be for procreation and/or love.<sup>3</sup> Settegast starts by considering how we describe bad and good sex in ordinary language. Bad sex is sex that is unenjoyable; good sex is enjoyable. As what we tend to want from sex is sexual enjoyment, Settegast thereby concludes that we can say that "sexual enjoyment is the *proximate end of sex*, while procreation and romantic intimacy are further ends that are properly pursued by means of it" (Settegast 2018: 380).

However, for Settegast, what counts as sexual enjoyment is not just sexual pleasure. Settegast criticises Alan Goldman's "plain sex" view of sex, which claims that "sexual desire is desire for contact with another person's body and for the pleasure which such contact produces" (Goldman 1977: 268).<sup>4</sup> The central point of Goldman's account is that, rather than attributing any further meaning to sex, we ought to understand it in terms of its pleasure. Settegast argues that the "plain sex" view ignores the intentional aspect of sex.<sup>5</sup> The view cannot explain why it matters to us with

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<sup>2</sup> For feminist arguments against prostitution, see for example (Shrage 1989), (Overall 1992), and (Pateman 1999).

<sup>3</sup> For accounts of sex as being for procreation see for example, (Finnis 2008) and (Geach 2008). For an example of an account of sex as being for love, see (Scruton 2001).

<sup>4</sup> See also (Primoratz 1999), for the "plainer sex" view.

<sup>5</sup> Seiriol Morgan also criticises the account for this reason (Morgan 2003).

whom we have sex. People attribute meaning and significance to sex, and this is part of what we enjoy about it (Settegast 2018: 383-4). Settegast's alternative account of sexual enjoyment is not just about pleasure, but about community. He argues that "in successful sexual union, participants share in a distinctive experience of community."<sup>6</sup> They each incorporate the other's ends (i.e. sexual enjoyment) into their own and "*each partner's sense of self is extended to include the other.*" This results in a loss of the distinction between self and other but in a self-affirming way, through identification with the other. Bad sex is sex which doesn't involve this interpersonal awareness and sense of community and good sex is sex which does (Settegast 2018: 387).

Furthermore, on his view, sex for money is (almost)<sup>7</sup> always not good sex, since the aim of the sex is not *mutual* sexual enjoyment; indeed, the prostitute usually does not enjoy the sex and does not expect to. Sex for money thus "ultimately defeats the very point of sex" (Settegast 2018: 378). As the prostitute has bad sex, her sexuality is impeded from fulfilling its psychological function, and her life is impoverished. Settegast concludes that prostitution is "detrimental to the good life by giving sex the wrong place in it" (Settegast 2018: 378).

Moreover, Settegast argues that bad sex cannot be compensated for by good sex at other times, since the bad sex will always be part of the prostitute's history. It also cannot be compensated for by other goods, since "different aspects of the good life are *irreducible to each other.*" Furthermore, "a willingness to sacrifice parts of the good life voluntarily, i.e. without need, implies a *serious lack of self-respect and integrity*" (Settegast 2018, 390). Thus, Settegast implies that a prostitute cannot simply argue that the money makes the bad sex worth it. For Settegast, prostitutes "*misuse their sexual capacities*" (Settegast 2018: 391). Consequently, the prostitute "fails to live up to virtue," as she fails to be temperate, respectful, and honest. The prostitute is *intemperate* by being promiscuous. However, Settegast describes promiscuity, not as sleeping with a lot of people, but as "the habitual failure to discriminate properly between good and bad reasons for pursuing sex on any occasion" (Settegast 2018: 391). On his view, with regard to being promiscuous, it does not matter with how many people one has sex, since the point of sex is "a distinctive kind of enjoyment" and this can be had with many people, including people one doesn't know very well. Therefore, "charging sex workers with promiscuity is not to criticize them for their number of partners, but for sleeping

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<sup>6</sup> John Gardner also presents a similar account of good sex as teamwork (Gardner 2018).

<sup>7</sup> I say sex for money is *almost always* not good sex: Settegast does think that there would be certain circumstances in which prostitution would be morally acceptable. This would be if the client got sexual enjoyment from paying for sex and the prostitute got sexual enjoyment from being paid. In this case, the payment for the sex "forms part of what is arousing and enjoyable about it" and therefore, they are having sex for their mutual enjoyment, not just for money. Nonetheless, as these kinds of cases would be in the minority, he suggests that they "make little difference to the overall picture" and "would only prove the rule" (Settegast 2018: 400).

with them indiscriminately, without proper regard for their own enjoyment, and thus for the wrong reasons” (Settegast 2018: 391). They do not have sex for the right reasons, i.e. to pursue enjoyment through a distinct kind of community, and so they act intemperately.

In addition, prostitutes are *disrespectful*, of sex, themselves, and their clients. He argues that they fail to respect the dignity of sex. Sex has dignity because it has non-instrumental value in providing a distinct kind of enjoyment rooted in interpersonal awareness (Settegast 2018: 392-3). It should, therefore, not be used as a means to pursue other ends. Failure to respect the dignity of sex also causes the sexual partners to instrumentalise, and thus fail to respect, each other (Settegast 2018: 394). As mentioned above, by being willing to sacrifice a part of the good life, prostitutes also show a lack of self-respect.

The final way in which the prostitute is unvirtuous is by being *insincere*. This is because she pretends to find her clients attractive and to enjoy the sex they are having when actually she does not. As prostitutes do this regularly, they are cultivating insincerity, and so, cultivating a lack of virtue.

Settegast’s main focus is the morality of the prostitute, but he does also discuss the morality of the client, arguing that the client is usually self-centred, and that, though some clients do want the prostitute to experience sexual pleasure and do desire intimacy, they are still trying to buy “obligation-free intimacy.” Furthermore, they end up encouraging the prostitute to fake sexual enjoyment and intimacy in order to please them, and the client “merely imagines a connection” with the prostitute. Settegast argues that “without joint effort toward a shared end... there can be no real sense of connection, no intimate experience of sameness or identity among sexual partners.” In order to have this “joint effort toward a shared end”, sexual partners must have a shared respect for sex as a non-instrumental good, good because it is enjoyable as a distinct kind of community (Settegast 2018: 398-9). In sex for money, the partners do not have this. The prostitute has sex for the end of making money, the client has sex for pleasure, and might care about the pleasure of the prostitute, but might not.

To summarise: Settegast argues that the *telos* of sex is a distinct kind of mutual enjoyment, which can be found only when both partners are pursuing sexual enjoyment together and so experience a sense of community. No matter how it is reformed, sex for money will never involve this form of community (except in some rare cases). Sex is a non-instrumental good that is part of what makes up the good life. Bad sex is detrimental to the good life and it cannot be compensated for by other goods or by other good sex. Therefore, the prostitute’s life will be worse than it would otherwise have been even if she only has sex for money once. The prostitute acts unvirtuously by: acting intemperately by having sex indiscriminately; failing to respect herself, her sexual partner,

and the dignity of sex; and acting insincerely by pretending to enjoy the sex and be attracted to her client.

## Section 2: Objections to Settegast

In this section, I make three objections to Settegast's arguments against prostitution. In 2.1, I argue against Settegast's claim that bad sex is "detrimental to the good life." In 2.2, I argue that to have bad sex is not necessarily to act unvirtuously, and in 2.3 I argue that sex work is work, as well as sex, and so should be evaluated as such.

### 2.1) Bad sex as "detrimental to the good life"

Let's suppose that Settegast is right that sex is a teleological concept, the telos of which is mutual enjoyment. In this section I look at whether this makes it wrong to seek out and have bad sex, arguing that bad sex is not always bad for one's life overall, and that Settegast's claim – that the different constituents of the good life must be jointly realised and cannot be traded off for each other – is too strong.

To recap: Settegast claims that living well consists in the "*joint realization*" of the different constituents of the good life. He argues that because of this, "the different aspects of the good life are *irreducible to each other*" (Settegast 2018, 393). This means that one cannot say, for example, that it is worth having bad sex for money, and so bad sex is not bad for your life overall because the money enables you to pay for your studies. It is difficult to fully engage with this argument as, other than good sex, Settegast doesn't outline what the aspects of the good life are. He does state though that "sexual enjoyment is partly constitutive of the good life" and that "living well in part *consists in* enjoyable sex" (Settegast 2018: 393).

Furthermore, he does not explain what he means by the "good life". He probably doesn't mean a maximally good life, given that he seems to suggest it is open to all. However, if by "good life", he is referring to a threshold concept,<sup>8</sup> such that lives below such a threshold are bad, then necessitating that there be no bad sex in such a life seems to be setting the bar too high, since nearly everyone will have at least one instance of bad sex in their life, and most people will probably have a lot of bad sex (particularly given how Settegast defines good and bad sex).

He also does not provide us with much explanation of what it means for the aspects of the good life to be *jointly* realized, or any argument for why they must be. It can't be that all the goods must

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<sup>8</sup> I thank an anonymous reviewer for this suggestion.

be present for all of one's life, since some goods are more or less important to us at different stages in our lives. Therefore, it must mean something weaker, such as that a good life will include all the goods at least at some point. But, given the vast variety of different lives people lead, there will have to be a lot of room for manoeuvre about when the different goods come, and in what proportion. Even if everyone were to agree, for example, that meaningful work and meaningful relationships were vital for the good life, and that they must be jointly realized in that a good life must include both, one would have to admit that, for some people, work would be less important than relationships, and for others the reverse would be true.

Moving to what he says specifically about prostitution, as mentioned above, Settegast does not think that money can compensate the prostitute for bad sex, regardless of what she spends it on. He acknowledges that people can be forced to make sacrifices in life, but he suggests that these are different from "mere trade-offs." Trade-offs "result from choosing the most efficient way of attaining all the ends constitutive of the good life," whereas sacrifices of constituents of the good life, such as good sex, for another constituent, "[render] the joint realization of all constituent ends impossible, ...[and so sacrifices] contravene the good life as such." Because of this, he says, any goods which resulted would represent "*ill-gotten gains*", which would "not truly benefit overall" (Settegast 2018: 394). Thus, money for sex cannot compensate for the sacrifice made by having bad sex, and it would count as an "ill-gotten gain" rather than a genuine good.

Bad sex is a sacrifice because, "any instance of bad sex diminishes one's quality of life in absolute terms, in ways one cannot compensate for fully by having better sex at other times." Settegast follows on that bad sex will always be in our history, making our life slightly worse than it might otherwise have been (Settegast 2018: 393). This strikes me as overly idealistic, and I disagree that it necessarily makes "our life slightly worse than it might otherwise have been." An experience being unenjoyable does not make it overall a bad thing for one's life. A bad conversation might be unenjoyable and hard work, but the conversers might learn something from it that enables them to have better conversations in the future. Having bad sex when we are young and inexperienced can be a useful process of learning and experimentation which enables us to have better sex later on. Similarly, the prostitute might have bad sex, but this experience might help him develop sexual skills, make him feel more able to ask for what he wants sexually in the future, or might make him learn that he has fetishes he didn't know he had, thus enabling him to have better sex with others than he would have had otherwise.<sup>9</sup>

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<sup>9</sup> This is probably not a likely consequence, but it is at least possible.

In addition, we should question what Settegast means by “it might otherwise have been.” If instead of having the bad sex, the prostitute was having good sex, then the comparison is clear. On the other hand, if instead of having bad sex for an hour, he was packing chickens in a factory for 12 hours to make the same money, it might be that the bad sex affects his life less badly than the chicken packing. The prostitute might choose to put up with bad sex because he sees it as the best option he has to earn money, or because he likes the flexible working hours, which enable him to spend more time with his boyfriend having good sex, or allow him to fit his job in around his studies, which will enable him to go on to have a better job in the future.

This leads me to the question of what Settegast means by “bad sex cannot be compensated for”, since this could mean three (related) things: (1) that sex is an incommensurable good—no other good can provide the same kind of value that good sex does; (2) sex is an incommensurable good in the sense that the intrinsic badness of any one instance cannot be mitigated by the greater positive value of another instance; or (3) that one cannot have an overall good life without good sex, no matter what else one has in one’s life.<sup>10</sup>

Let’s take the first meaning – that no other good can provide the same kind of value that good sex does. The truth of this claim rests on what “good” of sex we are talking about. No other activity, other than sexual activity can produce physical sexual pleasure or orgasm (except perhaps in some very rare cases). But this is not, of course, the type of good which Settegast sees as the distinct value of sex. The type of good Settegast suggests we can get from sex – the self-affirming identification with the other found through a distinct sort of community – is perhaps attained in a distinctive way through sex. However, powerful communal experiences where the distinction between self and other is lost, but in a way which affirms one’s identity and sameness with others, can be found in other ways. For example, people report these kinds of feelings through religious or mystical experiences, such as group meditation or chanting, or when taking psychedelic substances with others (Carhart-Harris et al. 2018).

As for the second meaning, while it is true that a particular act of sex, if bad, will always be an instance of bad sex in one’s memory, in the course of a relationship, it does seem reasonable to think that bad sex can be “compensated for” by good sex. For example, it is not unusual for couples to have bad sex at the beginning of a relationship while they are getting to know one another, but for this bad sex to be instrumentally valuable to them having good sex in the future. They might see the bad sex they had to have been a valuable “learning experience” and perhaps look back on it with humour or tenderness. It will still be in their memories as bad sex, but when

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<sup>10</sup> I thank an anonymous referee for putting it this way.

taken in the context of their relationship overall, it may have been compensated for by the good sex they have together now.

This leads to the third potential meaning of “cannot be compensated for”: that one cannot have an overall good life without good sex. The first question we might ask here is how much good sex is required. Is it enough just to have it once, or do we need to have it regularly? Settegast leaves this open, and does not propose that we all ought to have as much sex as we can, but, rather, that we ought to have a “*principled commitment*” to good sex, which would mean to pursue sex “*only* if it promises to be really enjoyable” (Settegast 2018: 392). However, as he says, “sexual enjoyment is partly *constitutive* of the good life” (Settegast 2018: 393), this suggests that it must be experienced at least once for a life to be good. Even if his claim is merely a pro tanto one, that sex is a “good-making” feature of a life, such that, all things considered, a life with good sex is better than one without, some would disagree. Asexuals and voluntary celibates would likely argue that they can have perfectly good lives without sex and that their lives would not be better with sex (indeed, they might argue that their lives are better because they don’t include sex).<sup>11</sup> Settegast could argue that these people are missing out on an important part of the good life without realising it, but this would be to discount people’s views about their own lives.

Perhaps Settegast could revise his view such that what is necessary for the good life is the sort of “we” experience we can find in sex, and sex is a good way to achieve this, but not the only way. Nonetheless, if a person does have sex, they should seek this kind of experience. This would then allow for asexuals, voluntary celibates, and those unable to have sex for other reasons to have good lives by pursuing the “we” experience in a non-sexual way.<sup>12</sup> Someone could, for instance, pursue group meditation as a way to experience herself in union with others instead of sex. However, if Settegast did revise his argument in this way, then neither of the ways of interpreting “bad sex cannot be compensated for” would work. Other acts could provide the same goods as sex and one could have an overall good life without sex. Therefore, sex would lose its special status as an act with distinct value, which would make it hard to argue that we *should* have a particular sort of sex. If the prostitute, for example, achieves the kind of communal experience Settegast thinks vital for the good life through a group meditation session every morning, she might be able to have just as good a life, in spite of her having bad sex, as if she had achieved the communal experience every

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<sup>11</sup> See, for example, the Asexuality Visibility and Education Network (AVEN) <https://www.asexuality.org/>. For an account of the problems asexuality raises for Martha Nussbaum’s capabilities approach see (Begon 2017).

<sup>12</sup> I thank an anonymous referee for suggesting this potential response of Settegast’s.



morning through good sex. If she has enough of the “we” experience via other means, then it becomes much harder to explain why, if she has sex, she *should* seek the “we” experience there too.

Thus, if Settegast wants to maintain that sex has special status, he will also have to maintain that it cannot be replaced by other activities. A further question to be asked is whether, on his account, it would be better to have a life with no sex at all, or a life with bad sex. He claims that people should have sex only if it promises to be really enjoyable, but what if they’re not sure if it will be, or what if it will be more enjoyable than not having sex, but it won’t provide an experience of community? What if the only sex available to someone is sex that they pay for?

There are all sorts of reasons why a person might find it particularly difficult to find a sexual partner or to have good sex. Certain conditions, disabilities and problems, as well as certain careers, make it hard for people to find sexual partners or to have sex, at least to have sex in the communal way that Settegast describes. Settegast might say that these people should not have bad sex even though they can’t have good sex. However, they might prefer to have bad sex than to have no sex, and might feel that their lives, overall, are better if they pay for sex every now and then rather than never get to experience sexual contact with another person. Furthermore, they might not experience it as bad sex. Yes, good sex can involve mutual enjoyment and an experience of community, but some people might just want the experience of intimate bodily contact, or the excitement of being naked with another person, and have no other option of getting it than to pay for it. As Settegast denies that sex can be good without the “we” experience he describes, then he would perhaps see the situation of these people to always be somewhat tragic, as they would never truly get to experience what they hope to get from sex. Again though, to take such a view would deny people the ability to evaluate the quality of their own experiences and lives. If a person is resolute that they would prefer to have some kind of sex than no sex, and that they enjoy the sex that they do have, it is difficult to see on what grounds one could tell them that they are wrong and that they should not have the sex.<sup>13</sup>

Kirsty Liddiard conducted research with men with disabilities who had paid for sex. She found that, for several of them, paying for sex was “integral towards learning even the most “rudimentary” of intimate experiences, such as sensuous and erotic touch” and that it could also be “crucial towards learning about their own sexual body and sexual capacity” (Liddiard 2014: 846). The following account of paid-for sex, given by a 35-year-old man, Abram, who has a

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<sup>13</sup> Elizabeth Barnes’ work on disability is relevant here. She argues that able-bodied people often deny the testimonies of disabled people who say that they lead happy and fulfilled lives (Barnes 2016). Similarly, to argue that there is only one type of good sex is to deny the testimonies of people who are unable to have that type of sex but, nonetheless, claim that they have good sex.

significant progressive neuromuscular impairment and had never even been kissed before, is demonstrative of the significance that it can have for someone:

“For months I’d barely felt any stirring down there. I was beginning to think that, physically, my body’s given up. That’s why I was really desperate to do this... to reassure myself. When I used to ejaculate in my sleep it’d be an embarrassing, messy business; but then it kind of stopped happening. And that can be even worse. That I’m feeling nothing; I’m just feeling complete emptiness. I think this experience kind of woke that up in me, that there were things happening down there, and it was giving me a buzz.” (Liddiard 2014: 846)

Liddiard notes that some of the men said that paying for sex was the only time they had ever felt “sexiness” and that it had helped them to understand themselves as sexual beings, and to feel included in “masculine sexual cultures” (Liddiard 2014: 847). The men also explained that they don’t have access to places, such as pubs and clubs, where they might meet someone for sex without paying, and that even if they did, they would have difficulty attracting women. For them, paid-for sex was life-affirming and important to their wellbeing and sense of identity as embodied male beings. It was also probably the only sex they would ever be able to have. Therefore, it contributed to the good life for them, rather than detracting from it. Thus, what counts as “good sex” should take into account, at least to a degree, what is “good sex” to the individual in the context of the rest of their life.

The upshot of this discussion for our evaluation of sex work is that, although a prostitute and client might not experience themselves in union with each other during sex, they might still both consider the experience to be overall a good one in some way, or at least, not an experience that makes their life go worse. This is not, of course, to say that the experience will definitely be good, and indeed, it likely often is a very bad experience for the prostitute at least. However, we cannot say for certainty that being paid for sex will be a bad experience, or one that will make one’s life worse than it otherwise would have been without, at the very least, knowing the particulars of the situation, what the alternatives are, and, most importantly, what the prostitute herself thinks.

## 2.2) Bad sex as unvirtuous

As I outlined in the first section of the paper, an important part of Settegast’s argument against prostitution is that, however prostitution is practised, the prostitute will fail to live up to the virtues of temperance, respect, and honesty. He thus argues that “intentionally engaging in bad sex” is “excusable only in desperate circumstances” (Settegast 2018: 394). By bringing virtue into the

equation, Settegast has moved from saying that prostitution harms the prostitute to making the stronger, and more contentious claim that the prostitute acts wrongly. In what follows I will discuss each of the virtues the prostitute fails to live up to, according to Settegast.

i) Temperance

Settegast claims that the prostitute lacks the virtue of temperance, by failing to discriminate properly between good and bad reasons to have sex. Thus, the prostitute is promiscuous, with promiscuity being understood to mean indiscriminate pursuit of sex, rather than having sex with a lot of people. Settegast admits that the prostitute might be able to have sex with clients indiscriminately because sex is “*not that important to them,*” but he suggests that this stems from an “insensibility toward the good of sex” and a failure to recognise its dignity (Settegast 2018: 392). I don’t think this is necessarily true: the prostitute might find the sex she has with her husband to be hugely important to her, but the sex she has with her clients to be work and so not as important *as sex*.

In any case, his discussion of temperance is focussed on a motivational incompatibility between the telos of sex and the telos of earning money, and I’d like to consider this a little further here. Settegast notes that sex workers might lack choice over whom they accept as a client because sex work is their main source of income and so they need the money. This means that they will agree to have sex with clients to whom they are not attracted and with whom they do not desire sex. The end of sex is thus corrupted by the financial exchange. Settegast argues that prostitution might be ethically acceptable if the prostitute is able to develop intimate and caring relationships with regular clients, is financially stable enough to have sex only with clients to whom she is attracted, or because she sells sex as a “kinky hobby”, in order to fulfil objectification fantasies (Settegast 2018: 399-400). He notes, however, that such cases are rare and that only a minority of sex workers can “exert complete discretion” over which clients they take (Settegast 2018: 400). This does not mean that all other prostitutes are blameworthy for having sex with people to whom they are not attracted. Settegast argues in his conclusion that if a prostitute goes into prostitution because she is “subject to *duress*, economic or otherwise”, then she is not “fully responsible”, as her choice was not fully voluntary. She will still suffer the harms of prostitution, but she shouldn’t be blamed for this (Settegast 2018: 401). Thus, on his account, it seems that neither the prostitute who can exert complete discretion over with whom they have sex, nor the prostitute who is so desperate for the money she has no choice but to sell sex, is blameworthy. For the former, she does not act unvirtuously because she has sex for enjoyment, and in the latter case, she does act unvirtuously but is excused because she had no real choice.

In the case of the prostitute who sells sex because she finds it sexually enjoyable, her motivation for having sex is compatible with her motivation for making money. This seems to suggest that even on Settegast's account, prostitution can be morally acceptable and is not, therefore, intrinsically harmful. However, Settegast argues that an evaluation of the practice cannot start from unusual cases (i.e., those where the prostitute has intimate, caring relationships with regular clients, or is able to have sex only with clients to whom she is attracted, or where the prostitute pursues prostitution as a "kinky hobby") (Settegast 2018: 400). These unusual cases do pose a real problem for an argument that prostitution is *intrinsically* harmful though, as they suggest that there are circumstances in which prostitution is not harmful. In general, unusual cases should not be ignored as they can help us see how practices ought to be reformed. If most factories make their workers work for 16 hours a day for low pay and no job security, but one factory pays its workers well and asks them to work for 8 hours a day under good conditions, an evaluation of factory work might rightly conclude that most factory work is bad. However, this is different from saying that it is intrinsically bad, and the example of the good factory ought to be used as an aspiration, showing how factory work in other factories could be improved. Similarly, the unusual case of the prostitute who is able to exert complete discretion over the sex she has could be an aspiration for what prostitution could be like.

In any case, even if the prostitute really feels no attraction to the client, then this does not necessarily mean that she lacks good temper by sleeping with him. This becomes clearer if we think about sex work as work, as well as sex, as I will argue in the next section that we should.<sup>14</sup> The prostitute should be able to choose with whom she has sex, but this need not be solely on the basis of how attracted she is to the client, or on the basis of how motivated she is to pursue sexual enjoyment with him. The prostitute may, rightly, look for characteristics in a potential client which are different from those she would look for in a potential (non-paying) sexual partner. She might be attracted to unhinged, rugged, and exciting men when she is just looking for someone to have sex with, but when looking for someone to pay her to have sex, she might look for someone who is kind, stable, wealthy and reliable and not care so much about how attracted she is to him. Thus, to be temperate in her sex work will look different to being temperate in sex usually. (I discuss sex work as work in Section 2.3).

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<sup>14</sup> Raja Halwani takes a different line on what being "temperate" in relation to sex means. He argues that it would mean to value it in the right amount and thus not waste one's time having too much sex. However, he points out that being a sex worker need not mean one is intemperate with regard to sex, since sex work is work and so not necessarily done due to an overvaluation of sex. And, even if it is, that does not make it a waste of life, since work also provides other benefits, such as food, leisure time, etc. (Halwani, 2018, pp. 226–227)

## ii) Respect

On Settegast's account, the prostitute fails to respect himself, the good of sex, and the client. The prostitute disrespects himself by being willing to sacrifice a part of the good life, disrespects the dignity of sex by doing it for money, and disrespects the client by instrumentalising her. However, this argument depends somewhat on accepting Settegast's wider views about sex, including the bad sex is "detrimental to the good life". In reality, the prostitute might not respect himself, sex, or the client, but this does not follow necessarily from the mere fact that he has chosen to sell sex. Indeed, if the prostitute lacks self-respect, this will likely be at least partly because he internalises the views of the society in which he lives, which does not deem prostitution to be a "respectable" profession, or prostitutes worthy of being treated with respect.

If the social conditions were different, a person selling sex could conceivably be doing so whilst paying due respect to sex, himself and his clients. He could be selling sex because he sees sex as a very special act and recognises the transformative power it can have over people's lives, who might be unable to have sex without paying for it. Or he might simply know that he is very good at sex and enjoy it so much he wants to make a living out of it. He could choose only clients for whom he has respect, respect himself for earning good money doing something he is good at, and respect sex by aiming to give his clients the best sex he can.

Of course, the kind of respect I am talking about here is not the same kind of respect for themselves, their clients and for sex that Settegast thinks they should have, but, to argue that they lack the "proper" kind of respect requires acceptance of Settegast's wider theory of sex and argument that bad sex is detrimental to one's life.

## iii) Sincerity

Settegast argues that prostitution involves "cultivating the habit of insincerity" and that the prostitute thus acts unvirtuously by being dishonest about her enjoyment of the sex she has with her client, and the client acts unvirtuously by willing and colluding in the deception. Firstly, I would question whether it is fair to say that the prostitute is genuinely insincere, since the client really ought to realise that the prostitute's enjoyment is at least somewhat put on. Nonetheless, prostitution is not the only profession which involves insincerity. Settegast responds to Ole Martin Moen's (2013) suggestion that the faking involved in sex work is no more problematic than the faking involved in other professions, such as acting, by pointing out that the characteristic end of acting is make-believe, so to be a good actor is to pretend, whereas to pretend to enjoy sex defeats its very point (Settegast 2018: 398-399).

However, many, many professions, which don't have make-believe as their characteristic end, require their workers to fake their feelings sometimes. By focussing on the example of acting, which is a special case for the reason he identifies, Settegast has not acknowledged the similarities between the insincerity involved in prostitution and other professions. A teacher must pretend to be enthusiastic about quadratic equations even if he finds them boring; a therapist must be sympathetic to her client even if they irritate her, and a salesperson must pretend he believes in the product he is selling even if he does not.

Settegast could respond that no-one, other than actors and perhaps a few others, should feign enjoyment or enthusiasm at work, or he might say that in other professions it is not so bad to fake it since the faking does not “defeat the very point” of those professions. The first approach would lead to a big change in our approach to work and to how we interact with each other, and I'm not sure Settegast wants to make this claim. The second approach would require pointing to something distinct about sex work that makes it different from other professions. Settegast would likely say that sex work is different since the “very point” of sex is mutual enjoyment. It is true that if a person is faking sexual enjoyment and part of the “point” of them having sex is to feel sexual enjoyment, then faking will contribute to their lack of enjoyment. However, if we accept that sex can have more than one “point”, then faking it might not defeat the point of a particular sex act. If, for example, a man performs oral sex on his partner in order to make his partner feel good, then pretending that he is enjoying it more than he actually is will help him to achieve his end of making his partner feel good. Similarly, if, as I will suggest below, we see sex work not as sex, but as *sex work*, then, as in pornography, the make believe might be part of its “point.” Settegast argues that “procuring sexual intimacy and enjoyment in exchange for money are therefore self-defeating in much the same way that trying to buy friendship or love is” (Settegast 2018: 399), but this is true only if one ascribes to the view Settegast takes about the good of sex and if one sees paid-for-sex as indistinct from non-paid-for-sex. If what you are trying to get through sex is the kind of communal enjoyment Settegast sees as being “the good” of sex, then paying for it will probably not get you what you want. However, someone might pay for sex for a different reason. It is not possible to pay someone to find you attractive, but it is possible to pay someone to give you an orgasm, or to try out a sexual fetish with, for example.

Of course, to say that the prostitute faking enjoyment does not necessarily defeat the very point of the sex she is having, is not to say that prostitutes, or indeed anyone, *should* fake enjoyment, or to deny the very real harm that might come from the kind of emotional labour involved in faking sexual enjoyment with someone you do not like or respect. Airlie Hochschild in her book, *The Managed Heart*, describes how damaging “emotion work” can be for people who have to engage in

it: “it affects the degree to which we listen to feeling and sometimes our very capacity to feel” (Hochschild 1983: 21). However, again, the point which needs to be made here is not that the prostitute acts unvirtuously, but that prostitutes should not be offered so little discretion about the type of sex they have, and with whom, that they are pushed into a position where they must pretend to enjoy something they really hate.

### 2.3) Sex work as work

As I have begun to highlight above, Settegast does not pay enough attention to the fact that for many sex workers, the sex they have is seen by them as *work* rather than *sex*. Indeed, some campaigners for sex worker rights make the point that “sex work is work” and encourage people to use the term “sex work” instead of “prostitution”.<sup>15</sup> For these sex workers, Settegast’s comparison between sex work and casual sex might seem wrong-headed; it should, instead, be compared to other kinds of work, and any evaluation of it should take into account that it is a form of work. By seeing sex work only as “bad sex”, Settegast has omitted to consider whether it is “good work”.

Juno Mac and Molly Smith, two sex workers who have recently written a book called, *Revolting Prostitutes: The Fight for Sex Workers’ Rights*, make a compelling case that sex work is often dismissed as “not being real work”. They write that “anti-prostitution feminists and even policymakers often ask sex workers whether we would have sex with our clients if we weren’t being paid. Work is thus constantly being re-inscribed as something so personally fulfilling you would pursue it for free” (Mac and Smith 2018: 42). Therefore, sex work is evaluated in a different way to most work. Rather than being asked about their working conditions, or whether they are adequately compensated for their work, they are instead asked whether they are having such good sex that they would have it for free. This is apparently the view that Settegast takes – he implies that unless the prostitute would have the sex for free, she acts unvirtuously. Mac and Smith argue that this misses the point: many sex workers agree with the critics of sex work that it is “a pretty horrible job” but “these sex workers may locate the problem not in *sex* but in *work*” (Mac and Smith 2018: 55) and a significant reason why sex work is bad is that sex workers have no rights due to it being stigmatised and to the criminalisation of some of the activities around it. They also suggest that “sexist devaluation of “women’s work” erases the emotional labour and hustle that constitutes the bulk of sex workers’

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<sup>15</sup> See, for example: the Sex Worker Advocacy and Resistance Movement (SWARM) <https://www.swarmcollective.org/>

actual efforts, reducing our job to simply being available for penetration at all times” (Mac and Smith 2018: 43).

If sex work is work, then it should be evaluated *both* as sex and as work, which means that even if it was bad sex, it could still be good work, and similarly it could be good sex, but bad work. This means that an evaluation of whether sex work is overall good for the sex worker is more complicated than just asking whether and in what way did she and the client enjoy the sex.

Settegast might respond that one should never distort the characteristic end of a constituent of the good life for money, thus sacrificing that constituent. Therefore, we do not get to evaluate sex work as work because it should not be work in the first place. However, this approach would entail a significant shift in the way that work is viewed and how we structure society since many other kinds of work involve the distortion of the characteristic end of some act that we typically do for enjoyment and most work involves sacrifice. This does not always make such work morally problematic. As an example, caring for others could be said to be an important part of the good life, and a non-instrumental good, which is typically done out of love with the characteristic end of improving the life of the person for whom you care. But that does not mean that there is something morally wrong with being paid to care for people you do not know or love, or that doing so will necessarily harm you or them. Similarly, suppose someone loves music and finds it to be an irreplaceable and non-instrumental part of the good life for her, and something she typically does as an act of self-expression. For this person to make money singing pop songs at weddings in order to make money distorts the characteristic end of music for this person, as her primary aim here is to make money, not to express herself musically. However, for her to make money in this way, so that she has the time to write her own music, or because it is the most enjoyable way she can find to make money, does not seem immoral or detrimental to her life. What she is doing might be bad as music, but good as work. Yes, her life would be better if she could get paid to sing only the songs she writes herself, but if that option is not available then this is the next best option.<sup>16</sup>

Settegast would perhaps disagree here. In his example of the talented painter who only paints kitsch because it sells better, he argues that the painter “fails to live up to virtue” – the virtue of temperance, by being greedy. He suggests that she “assigns money the wrong place in her life and malpractices her craft in ways that lose sight of what is actually good about it” (Settegast 2018:

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<sup>16</sup> We do sometimes criticise artists for having “sold out”, such as when musicians allow their music to be played in advertisements for companies that behave in ways which go against the purported ethical beliefs of the musician. However, such criticisms usually come when the artists already have a lot of money and success. People tend to be more forgiving of artists who are just setting out.



389). Again, here, Settegast is losing sight of the fact that for the painter, painting kitsch is *work*. Indeed, she might not see it as art at all. Thus, the kitsch she produces might be bad as art, but nonetheless, what she is doing might be good work for her. Moreover, the inescapable need to make money means that the painter might have little choice but to paint kitsch; the other options she has for work might be much worse. To criticise her for painting art that sells better instead of “better” art which sells less well, is to criticise her for needing to make a living.

Settegast contrasts this painter with Howard Roark from Ayn Rand’s *The Fountainhead*, who is an architect who does work on his own terms, and does not follow popular taste. His clients can merely choose to accept or deny his designs as they are. For him, Settegast argues, money is a means not an end; “it is what enables him to continue building, not what he ultimately builds for” (Settegast 2018: 390). However, whilst Roark might be held up as a hero by Settegast for not compromising his standards, Settegast fails to note that if Roark’s designs were not appreciated by others and he had no independent means of supporting himself, he would soon have to change his approach or find a different line of work. If the only other work available to him was less good as work than doing architecture in a way that sold better, Roark would have good reason to start listening to his clients, and his life would no doubt be better than it would otherwise have been for doing so. It is seldom the case that in work a person cannot have any concern for money. Even if Roark was highly skilled at numerous professions and could get other fulfilling non-architecture work easily, whatever he did, he would still need to pay attention to his clients or employer if he wanted to stay in employment. A view of work whereby one ought to simply do what one loves and hope money comes as a side-effect is simply unrealistic.

In reality, work almost always requires sacrifice and a need to do things differently from how one would do them were one not being paid. Only a privileged few get to do meaningful work that they enjoy, and have autonomy over their work, but even they will have to sacrifice time spent doing other things of value, such as spending time with their family. This is not to say that we shouldn’t think about ways to make work involve less sacrifice and be less boring, degrading, and unpleasant for people. That other jobs require sacrifice does not necessarily count in favour of such sacrifices; we could instead criticise the system in which we live that requires sacrificing much of what makes life good, and perhaps Settegast is suggesting to us a way of living to which to aspire.<sup>17</sup> However, the issue of how work in general should be organised is a much bigger issue than Settegast seems to want to address in this paper.

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<sup>17</sup> I thank an anonymous reviewer for pressing me on this point.

To conclude this section: if sex work is work, as well as sex, then an analysis of whether it is harmful for a given person to undertake this work will depend not only on how good the sex they are likely to have is, but also on other work-related factors – what the conditions are like, how well it is paid, how much autonomy the workers have, and what the alternatives to this job are, etc. Without taking these factors into account, any evaluation of sex work will be incomplete.

## Conclusion

In this paper I have argued that Settegast’s argument that prostitution is intrinsically harmful is problematic. Firstly, bad sex, particularly in the way that Settegast conceives of it, is not necessarily bad for one’s life overall. Secondly, Settegast is wrong that the prostitute necessarily acts unvirtuously by being intemperate, being insincere and failing to respect herself, her partner and the good of sex. Finally, his account is incomplete, as it does not consider sex work as work, but only as sex.

To argue that prostitution is not intrinsically harmful and that the prostitute does not necessarily act unvirtuously is not, however, to say that prostitution is unproblematic. There are many reasons why we should be worried about prostitution. It is a profession where women are mainly the sellers of sex and men are mainly the buyers,<sup>18</sup> and the people who sell the sex are degraded, socially ostracized, and often abused. It might be implausible to think that prostitution could be reformed in such a way as to erase these kinds of problems,<sup>19</sup> but this is not because prostitution goes against “the good” of sex.<sup>20</sup>

Natasha McKeever, [n.mckeeper@leeds.ac.uk](mailto:n.mckeeper@leeds.ac.uk), Inter-disciplinary Ethics Applied (IDEA) Centre, University of Leeds, UK

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<sup>18</sup> An All-Party Parliamentary Group 2014 Report on sex work reported that the English Collective of Sex workers estimates that 95% of sex workers are female. The Sex Work Research Hub estimates that “women comprise just over 80% of indoor sex workers, with more than 17% male and just over 2% transgender”.

<https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/26/26.pdf> p.9

<sup>19</sup> See for example, (Pateman 1983), for a feminist argument for why prostitution will always remain undesirable “because it is one of the most graphic examples of men’s domination of women” p. 561.

<sup>20</sup> I am grateful to Luke Brunning for reading an earlier version of this paper for me, and also to two anonymous reviewers who provided extremely detailed and helpful feedback on the paper.

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